IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO.27 OF 2006

IN

M.J.PETITION NO.494 OF 2005

Teena Dharmesh Chandan ...Applicant

Versus

Dharmesh Pratapsingh Chandan ...Respondent

.....

Mrs.Vaishali Bhilare with Mrs.Sadhana Patil

for Applicant.

Mr.H.R.Singh for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 28, 2006.

P.C.

1. Head Counsel for the parties. Perused the pleadings and the relevant documents.

2. In my opinion, in the interest of justice, this Application should succeed in terms of prayer clause (a). The Applicant wife has filed this application for transfer of case instituted by the

Respondent husband in the Court of Civil Judge, Senior Division, Thane to be heard and decided by Family Court at Bandra.

3. The Applicant apprehends danger to her life, if she were to visit Thane to attend the Court proceedings, where incidentally, the Respondent resides. Even assuming that this apprehension of the Applicant can be stated to be ill-advised, the Applicant and her family members, as is asserted by the Applicant are apprehensive that taking advantage of the visit of the Applicant and her family members to attend to proceedings at Thane, the Respondent will involve them in false cases with a view to force the Applicant and her family members to frequently visit Thane to attend to such proceedings causing them embarrassment, harassment and torture. Besides, it is seen that the Applicant is an unemployed woman. Obviously, the Applicant will not be able to take the burden of attending Court proceedings at different places. The Applicant has already filed Petition before Bandra Court being Petition No.C-115 of 2003 and which is pending as part-heard.

4. Taking overall view of the matter, therefore, in the interest of justice, in my opinion, this is fit case to show indulgence in favour of the Applicant. Accordingly, Application allowed in terms of prayer clause (a).

A.M.KHANWILKAR, J.